

105TH CONGRESS
1ST SESSION

H. R. 1273

IN THE SENATE OF THE UNITED STATES

APRIL 24, 1997

Received; read twice and referred to the Committee on Labor and Human
Resources

AN ACT

To authorize appropriations for fiscal years 1998 and 1999
for the National Science Foundation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Science
3 Foundation Authorization Act of 1997”.

4 **SEC. 2. DEFINITIONS.**

5 For purposes of this Act—

6 (1) the term “Director” means the Director of
7 the Foundation;

8 (2) the term “Foundation” means the National
9 Science Foundation;

10 (3) the term “institution of higher education”
11 has the meaning given such term in section 1201(a)
12 of the Higher Education Act of 1965;

13 (4) the term “national research facility” means
14 a research facility funded by the Foundation which
15 is available, subject to appropriate policies allocating
16 access, for use by all scientists and engineers affili-
17 ated with research institutions located in the United
18 States; and

19 (5) the term “United States” means the several
20 States, the District of Columbia, the Commonwealth
21 of Puerto Rico, the Virgin Islands, Guam, American
22 Samoa, the Commonwealth of the Northern Mariana
23 Islands, and any other territory or possession of the
24 United States.

1 **TITLE I—NATIONAL SCIENCE**
2 **FOUNDATION AUTHORIZATION**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) the programs of the Foundation are impor-
6 tant for the Nation to strengthen basic research and
7 develop human resources in science and engineering,
8 and that those programs should be funded at an
9 adequate level;

10 (2) the primary mission of the Foundation con-
11 tinues to be the support of basic scientific research
12 and science education and the support of research
13 fundamental to the engineering process and engi-
14 neering education; and

15 (3) the Foundation's efforts to contribute to the
16 economic competitiveness of the United States
17 should be in accord with that primary mission.

18 (b) FISCAL YEAR 1998.—There are authorized to be
19 appropriated to the Foundation \$3,505,630,000 for fiscal
20 year 1998, which shall be available for the following cat-
21 egories:

22 (1) Research and Related Activities,
23 \$2,563,330,000, of which—

24 (A) \$330,820,000 shall be for Biological
25 Sciences;

1 (B) \$289,170,000 shall be for Computer
2 and Information Science and Engineering;

3 (C) \$360,470,000 shall be for Engineering;

4 (D) \$452,610,000 shall be for Geosciences;

5 (E) \$715,710,000 shall be for Mathemati-
6 cal and Physical Sciences;

7 (F) \$130,660,000 shall be for Social, Be-
8 havioral, and Economic Sciences, including
9 \$1,000,000 for the United States-Mexico Foun-
10 dation for Science;

11 (G) \$165,930,000 shall be for United
12 States Polar Research Programs;

13 (H) \$62,600,000 shall be for United
14 States Antarctic Logistical Support Activities;
15 and

16 (I) \$2,730,000 shall be for the Critical
17 Technologies Institute.

18 (2) Education and Human Resources Activities,
19 \$625,500,000.

20 (3) Major Research Equipment, \$175,000,000.

21 (4) Salaries and Expenses, \$136,950,000, of
22 which \$5,200,000 shall be for Headquarters Reloca-
23 tion.

24 (5) Office of Inspector General, \$4,850,000.

1 (c) FISCAL YEAR 1999.—There are authorized to be
2 appropriated to the Foundation \$3,613,630,000 for fiscal
3 year 1999, which shall be available for the following cat-
4 egories:

5 (1) Research and Related Activities,
6 \$2,740,000,000, including \$1,000,000 for the Unit-
7 ed States-Mexico Foundation for Science.

8 (2) Education and Human Resources Activities,
9 \$644,245,000.

10 (3) Major Research Equipment, \$90,000,000,
11 of which no funds are authorized for the Large
12 Hadron Collider project at the European Organiza-
13 tion for Nuclear Research (CERN) unless the Direc-
14 tor, in consultation with the Secretary of Energy,
15 has transmitted to the Committee on Science of the
16 House of Representatives and the Committees on
17 Labor and Human Resources and Commerce,
18 Science, and Transportation of the Senate a report
19 on the impacts of such funding on the operations
20 and viability of United States high energy and nu-
21 clear physics facilities.

22 (4) Salaries and Expenses, \$134,385,000.

23 (5) Office of Inspector General, \$5,000,000.

1 **SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND**
2 **RELATED ACTIVITIES AMOUNTS.**

3 If the amount appropriated pursuant to section 101
4 (b)(1) or (c)(1) is less than the amount authorized under
5 that paragraph, the amount available for each scientific
6 directorate under that paragraph shall be reduced by the
7 same proportion.

8 **SEC. 103. CONSULTATION AND REPRESENTATION EX-**
9 **PENSES.**

10 From appropriations made under authorizations pro-
11 vided in this Act, not more than \$10,000 may be used
12 in each fiscal year for official consultation, representation,
13 or other extraordinary expenses at the discretion of the
14 Director. The determination of the Director shall be final
15 and conclusive upon the accounting officers of the Govern-
16 ment.

17 **SEC. 104. UNITED STATES MAN AND THE BIOSPHERE PRO-**
18 **GRAM LIMITATION.**

19 No funds appropriated pursuant to this Act shall be
20 used for the United States Man and the Biosphere Pro-
21 gram, or related projects.

22 **TITLE II—GENERAL PROVISIONS**

23 **SEC. 201. NATIONAL RESEARCH FACILITIES.**

24 (a) FACILITIES PLAN.—The Director shall provide to
25 Congress, not later than December 1 of each year, a plan
26 for the proposed construction of, and repair and upgrades

1 to, national research facilities. The plan shall include esti-
2 mates of the cost for such construction, repairs, and up-
3 grades, and estimates of the cost for the operation and
4 maintenance of existing and proposed new facilities. For
5 proposed new construction and for major upgrades to ex-
6 isting facilities, the plan shall include funding profiles by
7 fiscal year and milestones for major phases of the con-
8 struction. The plan shall include cost estimates in the cat-
9 egories of construction, repair, and upgrades for the year
10 in which the plan is submitted to Congress and for not
11 fewer than the succeeding 4 years.

12 (b) STATUS OF FACILITIES UNDER CONSTRUC-
13 TION.—The plan required under subsection (a) shall in-
14 clude a status report for each uncompleted construction
15 project included in the current and previous plans. The
16 status report shall include data on cumulative construction
17 costs by project compared with estimated costs, and shall
18 compare the current and original schedules for achieve-
19 ment of milestones for major phases of the construction.

20 (c) LIMITATION ON OBLIGATION OF UNAUTHORIZED
21 APPROPRIATIONS.—No funds appropriated for any project
22 which involves construction of new national research facili-
23 ties or construction necessary for upgrading the capabili-
24 ties of existing national research facilities shall be obli-
25 gated unless the funds are specifically authorized for such

1 purpose by this Act or any other Act which is not an ap-
 2 propriations Act, or unless the total estimated cost to the
 3 Foundation of the construction project is less than
 4 \$50,000,000. This subsection shall not apply to construc-
 5 tion projects approved by the National Science Board
 6 prior to June 30, 1997.

7 **SEC. 202. ADMINISTRATIVE AMENDMENTS.**

8 (a) NATIONAL SCIENCE FOUNDATION ACT OF 1950
 9 AMENDMENTS.—The National Science Foundation Act of
 10 1950 (42 U.S.C. 1861 et seq.) is amended—

11 (1) in section 4 (42 U.S.C. 1863)—

12 (A) by striking “the appropriate rate pro-
 13 vided for individuals in grade GS–18 of the
 14 General Schedule under section 5332” in sub-
 15 section (g) and inserting in lieu thereof “the
 16 maximum rate payable under section 5376”;
 17 and

18 (B) by redesignating the subsection (k)
 19 that was added by section 108 of the National
 20 Science Foundation Authorization Act of 1988
 21 as subsection (l);

22 (2) in section 5(e) (42 U.S.C. 1864(e)) by
 23 amending paragraph (2) to read as follows:

24 “(2) Any delegation of authority or imposition of con-
 25 ditions under paragraph (1) shall be promptly published

1 in the Federal Register and reported to the Committees
2 on Labor and Human Resources and Commerce, Science,
3 and Transportation of the Senate and the Committee on
4 Science of the House of Representatives.”;

5 (3) in section 14(c) (42 U.S.C. 1873(c))—

6 (A) by inserting “be entitled to” between
7 “shall” and “receive”;

8 (B) by inserting “, including traveltime,”
9 after “Foundation”;

10 (C) by striking “the rate specified for the
11 daily rate for GS–18 of the General Schedule
12 under section 5332” and inserting in lieu there-
13 of “the maximum rate payable under section
14 5376”; and

15 (D) by adding at the end the following new
16 sentence: “Members of the Board and special
17 commissions may waive compensation and reim-
18 bursement for travel expenses.”; and

19 (4) by striking “Atomic Energy Commission” in
20 section 15(a) (42 U.S.C. 1874(a)) and inserting in
21 lieu thereof “Secretary of Energy”.

22 (b) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
23 TION ACT, 1976 AMENDMENTS.—Section 6(a) of the Na-
24 tional Science Foundation Authorization Act, 1976 (42

1 U.S.C. 1881a(a)) is amended by striking “social,” the
2 first place it appears.

3 (c) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
4 TION ACT OF 1988 AMENDMENTS.—(1) Section
5 117(a)(1)(B)(v) of the National Science Foundation Au-
6 thorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is
7 amended to read as follows:

8 “(v) from schools established outside the several
9 States and the District of Columbia by any agency
10 of the Federal Government for dependents of its em-
11 ployees.”.

12 (2) Section 117(a)(3)(A) of such Act (42 U.S.C.
13 1881b(3)(A)) is amended by striking “Science and Engi-
14 neering Education” and inserting in lieu thereof “Edu-
15 cation and Human Resources”.

16 (d) SCIENCE AND ENGINEERING EQUAL OPPORTUNI-
17 TIES ACT AMENDMENTS.—The Science and Engineering
18 Equal Opportunities Act is amended—

19 (1) in section 34 (42 U.S.C. 1885b)—

20 (A) by amending the section heading to
21 read as follows: “PARTICIPATION IN SCIENCE
22 AND ENGINEERING OF MINORITIES AND PER-
23 SONS WITH DISABILITIES”; and

24 (B) by amending subsection (b) to read as
25 follows:

1 “(b) The Foundation is authorized to undertake or
2 support programs and activities to encourage the partici-
3 pation of persons with disabilities in the science and engi-
4 neering professions.”; and

5 (2) in section 36 (42 U.S.C. 1885c)—

6 (A) by striking “minorities,” and all that
7 follows through “in scientific” in subsection (a)
8 and inserting in lieu thereof “minorities, and
9 persons with disabilities in scientific”;

10 (B) in subsection (b)—

11 (i) by striking “with the concurrence
12 of the National Science Board”; and

13 (ii) by amending the second sentence
14 thereof to read as follows: “In addition, the
15 Chairman of the National Science Board
16 may designate a member of the Board as
17 a member of the Committee.”;

18 (C) by striking subsections (c) and (d);

19 (D) by redesignating subsections (e) and
20 (f) as subsections (d) and (e), respectively;

21 (E) by inserting after subsection (b) the
22 following new subsection:

23 “(c) The Committee shall be responsible for reviewing
24 and evaluating all Foundation matters relating to partici-
25 pation in, opportunities for, and advancement in edu-

1 cation, training, and research in science and engineering
2 of women, minorities, and persons with disabilities.”; and

3 (F) in subsection (d), as so redesignated
4 by subparagraph (D) of this paragraph, by
5 striking “additional”.

6 (e) TECHNICAL AMENDMENT.—The second sub-
7 section (g) of section 3 of the National Science Foundation
8 Act of 1950 is repealed.

9 **SEC. 203. INDIRECT COSTS.**

10 (a) MATCHING FUNDS.—Matching funds required
11 pursuant to section 204(a)(2)(C) of the Academic Re-
12 search Facilities Modernization Act of 1988 (42 U.S.C.
13 1862c(a)(2)(C)) shall not be considered facilities costs for
14 purposes of determining indirect cost rates.

15 (b) REPORT.—The Director of the Office of Science
16 and Technology Policy, in consultation with other relevant
17 agencies, shall prepare a report analyzing what steps
18 would be needed to—

19 (1) reduce by 10 percent the proportion of Fed-
20 eral assistance to institutions of higher education
21 that are allocated for indirect costs; and

22 (2) reduce the variance among indirect cost
23 rates of different institutions of higher education, in-
24 cluding an evaluation of the relative benefits and
25 burdens of each option on institutions of higher edu-

1 cation. Such report shall be transmitted to the Con-
2 gress no later than December 31, 1997.

3 **SEC. 204. FINANCIAL DISCLOSURE.**

4 Persons temporarily employed by or at the Founda-
5 tion shall be subject to the same financial disclosure re-
6 quirements and related sanctions under the Ethics in Gov-
7 ernment Act of 1978 as are permanent employees of the
8 Foundation in equivalent positions.

9 **SEC. 205. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE**
10 **DUTY.**

11 In order to be eligible to receive funds from the Foun-
12 dation after September 30, 1997, an institution of higher
13 education must provide that whenever any student of the
14 institution who is a member of the National Guard, or
15 other reserve component of the Armed Forces of the Unit-
16 ed States, is called or ordered to active duty, other than
17 active duty for training, the institution shall grant the
18 member a military leave of absence from their education.
19 Persons on military leave of absence from their institution
20 shall be entitled, upon release from military duty, to be
21 restored to the educational status they had attained prior
22 to their being ordered to military duty without loss of aca-
23 demic credits earned, scholarships or grants awarded, or
24 tuition and other fees paid prior to the commencement of
25 the military duty. It shall be the duty of the institution

1 to refund tuition or fees paid or to credit the tuition and
2 fees to the next semester or term after the termination
3 of the educational military leave of absence at the option
4 of the student.

5 **SEC. 206. SCIENCE AND TECHNOLOGY POLICY INSTITUTE.**

6 (a) AMENDMENT.—Section 822 of the National De-
7 fense Authorization Act for Fiscal Year 1991 (42 U.S.C.
8 6686) is amended—

9 (1) by striking “Critical Technologies Institute”
10 in the section heading and in subsection (a), and in-
11 serting in lieu thereof “Science and Technology Pol-
12 icy Institute”;

13 (2) in subsection (b) by striking “As deter-
14 mined by the chairman of the committee referred to
15 in subsection (c), the” and inserting in lieu thereof
16 “The”;

17 (3) by striking subsection (c), and redesignating
18 subsections (d), (e), (f), and (g) as subsections (c),
19 (d), (e), and (f), respectively;

20 (4) in subsection (c), as so redesignated by
21 paragraph (3) of this subsection—

22 (A) by inserting “science and” after “de-
23 velopments and trends in” in paragraph (1);

24 (B) by striking “with particular emphasis”
25 in paragraph (1) and all that follows through

1 the end of such paragraph and inserting in lieu
2 thereof “and developing and maintaining rel-
3 evant informational and analytical tools.”;

4 (C) by striking “to determine” and all that
5 follows through “technology policies” in para-
6 graph (2) and inserting in lieu thereof “with
7 particular attention to the scope and content of
8 the Federal science and technology research
9 and develop portfolio as it affects interagency
10 and national issues”;

11 (D) by amending paragraph (3) to read as
12 follows:

13 “(3) Initiation of studies and analysis of alter-
14 natives available for ensuring the long-term strength
15 of the United States in the development and applica-
16 tion of science and technology, including appropriate
17 roles for the Federal Government, State govern-
18 ments, private industry, and institutions of higher
19 education in the development and application of
20 science and technology.”;

21 (E) by inserting “science and” after “Ex-
22 ecutive branch on” in paragraph (4)(A); and

23 (F) by amending paragraph (4)(B) to read
24 as follows:

1 “(B) to the interagency committees and
2 panels of the Federal Government concerned
3 with science and technology.”;

4 (5) in subsection (d), as so redesignated by
5 paragraph (3) of this subsection, by striking “sub-
6 section (d)” and inserting in lieu thereof “subsection
7 (c)”;

8 (6) by amending subsection (f), as so redesign-
9 ated by paragraph (3) of this subsection, to read
10 as follows:

11 “(f) SPONSORSHIP.—The Director of the Office of
12 Science and Technology Policy shall be the sponsor of the
13 Institute.”.

14 (b) CONFORMING USAGE.—All references in Federal
15 law or regulations to the Critical Technologies Institute
16 shall be considered to be references to the Science and
17 Technology Policy Institute.

18 **SEC. 207. NEXT GENERATION INTERNET.**

19 None of the funds authorized by this Act, or any
20 other Act enacted before the date of the enactment of this
21 Act, may be used for the Next Generation Internet. Not-
22 withstanding the previous sentence, funds may be used for
23 the continuation of programs and activities that were
24 funded and carried out during fiscal year 1997.

1 **SEC. 208. LIMITATIONS.**

2 (a) PROHIBITION OF LOBBYING ACTIVITIES.—None
3 of the funds authorized by this Act shall be available for
4 any activity whose purpose is to influence legislation pend-
5 ing before the Congress, except that this subsection shall
6 not prevent officers or employees of the United States or
7 of its departments or agencies from communicating to
8 Members of Congress on the request of any Member or
9 to Congress, through the proper channels, requests for leg-
10 islation or appropriations which they deem necessary for
11 the efficient conduct of the public business.

12 (b) LIMITATION ON APPROPRIATIONS.—No sums are
13 authorized to be appropriated to the Director for fiscal
14 years 1998 and 1999 for the activities for which sums are
15 authorized by this Act, unless such sums are specifically
16 authorized to be appropriated by this Act.

17 (c) ELIGIBILITY FOR AWARDS.—

18 (1) IN GENERAL.—The Director shall exclude
19 from consideration for grant agreements made by
20 the Foundation after fiscal year 1997 any person
21 who received funds, other than those described in
22 paragraph (2), appropriated for a fiscal year after
23 fiscal year 1997, under a grant agreement from any
24 Federal funding source for a project that was not
25 subjected to a competitive, merit-based award proc-
26 ess. Any exclusion from consideration pursuant to

1 this subsection shall be effective for a period of 5
2 years after the person receives such Federal funds.

3 (2) EXCEPTION.—Paragraph (1) shall not
4 apply to the receipt of Federal funds by a person
5 due to the membership of that person in a class
6 specified by law for which assistance is awarded to
7 members of the class according to a formula pro-
8 vided by law.

9 (3) DEFINITION.—For purposes of this sub-
10 section, the term “grant agreement” means a legal
11 instrument whose principal purpose is to transfer a
12 thing of value to the recipient to carry out a public
13 purpose of support or stimulation authorized by a
14 law of the United States, and does not include the
15 acquisition (by purchase, lease, or barter) of prop-
16 erty or services for the direct benefit or use of the
17 United States Government. Such term does not in-
18 clude a cooperative agreement (as such term is used
19 in section 6305 of title 31, United States Code) or
20 a cooperative research and development agreement
21 (as such term is defined in section 12(d)(1) of the
22 Stevenson-Wydler Technology Innovation Act of
23 1980 (15 U.S.C. 3710a(d)(1))).

1 **SEC. 209. NOTICE.**

2 (a) NOTICE OF REPROGRAMMING.—If any funds au-
3 thorized by this Act are subject to a reprogramming action
4 that requires notice to be provided to the Appropriations
5 Committees of the House of Representatives and the Sen-
6 ate, notice of such action shall concurrently be provided
7 to the Committee on Science of the House of Representa-
8 tives and the Committees on Labor and Human Resources
9 and Commerce, Science, and Transportation of the Sen-
10 ate.

11 (b) NOTICE OF REORGANIZATION.—The Director
12 shall provide notice to the Committees on Science and Ap-
13 propriations of the House of Representatives, and the
14 Committees on Labor and Human Resources, Commerce,
15 Science, and Transportation, and Appropriations of the
16 Senate, not later than 15 days before any major reorga-
17 nization of any program, project, or activity of the Foun-
18 dation.

19 **SEC. 210. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**
20 **LEM.**

21 With the year 2000 fast approaching, it is the sense
22 of Congress that the Foundation should—

23 (1) give high priority to correcting all 2-digit
24 date-related problems in its computer systems to en-
25 sure that those systems continue to operate effec-
26 tively in the year 2000 and beyond;

1 (2) assess immediately the extent of the risk to
2 the operations of the Foundation posed by the prob-
3 lems referred to in paragraph (1), and plan and
4 budget for achieving Year 2000 compliance for all of
5 its mission-critical systems; and

6 (3) develop contingency plans for those systems
7 that the Foundation is unable to correct in time.

8 **SEC. 211. NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-**
9 **GRAM.**

10 The National Science Foundation is authorized to
11 participate in the National Oceanic Partnership Program
12 established by the National Oceanic Partnership Act (Pub-
13 lic Law 104–201).

14 **SEC. 212. BUY AMERICAN.**

15 (a) COMPLIANCE WITH BUY AMERICAN ACT.—No
16 funds appropriated pursuant to this Act may be expended
17 by an entity unless the entity agrees that in expending
18 the assistance the entity will comply with sections 2
19 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
20 10c, popularly known as the “Buy American Act”).

21 (b) SENSE OF CONGRESS.—In the case of any equip-
22 ment or products that may be authorized to be purchased
23 with financial assistance provided under this Act, it is the
24 sense of Congress that entities receiving such assistance

1 should, in expending the assistance, purchase only Amer-
2 ican-made equipment and products.

3 (c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
4 providing financial assistance under this Act, the Director
5 shall provide to each recipient of the assistance a notice
6 describing the statement made in subsection (a) by the
7 Congress.

8 **SEC. 213. ENHANCEMENT OF SCIENCE AND MATHEMATICS**
9 **PROGRAMS.**

10 It is the sense of the Congress that the Director shall,
11 to the greatest extent practicable and using existing au-
12 thority, donate surplus computers and other research
13 equipment to elementary and secondary education schools
14 to enhance their science and mathematic programs. The
15 Director shall report annually to the appropriate commit-
16 tees of Congress on the Director's activity under this sec-
17 tion.

Passed the House of Representatives April 24, 1997.

Attest:

ROBIN H. CARLE,

Clerk.